

10 Rec'd PCT/PTO 12 APR 2005 #7

10 Rec'd PCT/PTO 12 APR 2005
60158-272
.97US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Woessner
Serial No.: 10/501,591
Filed: July 14, 2004
Group Art Unit: Unknown
Examiner: Unknown
Title: HOSE IN TUBE FORMING ASSEMBLY AND PROCESS

RECEIVED

26 APR 2005

Legal Staff
International Division

PETITION UNDER RULE 37 CFR 1.47(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The inventor of the above-referenced application, David Woessner is deceased. His wife and legal representative, Catherine Woessner, has effectively refused to execute this application. The owner of this application is Cooper Standard Automotive Inc. (Cooper). The undersigned is acting as agent for Cooper in this application, and is thus acting to submit the Declaration in the place of Mrs. Woessner.

The reasons for this action are set forth below.

David Woessner was employed by Cooper and under an obligation to assign inventions to Cooper. An Invention Disclosure on Cooper paper signed by Mr. Woessner is attached as Exhibit A. A Power of Attorney signed by Mr. Woessner for the corresponding PCT application that was filed by Cooper Technology Services as the Applicant is attached as Exhibit B. I sent a copy of the PCT application, a declaration and an assignment to Mr. Woessner by letters of May 26, 2004, July 6, 2004, and July 12, 2004 (copies attached as Exhibit C). We never heard a response from Mr. Woessner.

Catherine Woessner, Mr. Woessner's wife, contacted my assistant by email on March 15, 2005 and informed her that she found at least one of the letters sent to Mr. Woessner and that Mr. Woessner had died on December 29, 2004. A copy of her email is attached as Exhibit D. I replied to her by email on March 15, 2005 and asked her to identify the executor or administrator of Mr. Woessner's estate (a copy attached as Exhibit E). Mrs. Woessner responded by email on March 17, 2005 stating she is the executor or administrator of Mr. Woessner's estate (a copy attached as Exhibit F). Chris Kargula, Engineering Services Manager of Cooper, sent Mrs. Woessner an email on March 21, 2005 introducing himself and informing her about the patent application (copy attached as Exhibit G). Mrs. Woessner replied to the email from Mr. Kargula on March 29, 2005 (copy attached as Exhibit H). Mr. Kargula sent another email to Mrs. Woessner on March 31, 2005 including a revised copy of the declaration including her name as legal representative, an assignment, and a statement by legal representative (copy attached as Exhibit I). Mrs. Woessner replied to Mr. Kargula's email on April 1, 2005 indicating that she was not comfortable in signing the documents right now (a copy attached as Exhibit J). Mrs. Woessner has effectively refused to sign.

Cooper has sufficient proprietary interest in the application having serial number 10/501,591. A document entitled "invention disclosure" describing the invention is attached as Exhibit A. This document is on Cooper paper and was filled out and signed by Mr. Woessner. Several references to Cooper are included in the "invention disclosure". The invention disclosure was used to draft the PCT application PCT/US03/00977 filed January 14, 2003, which application serial number 10/501,591 claims priority to. The Invention Disclosure also states that Mr. Woessner conceived this invention "while at his desk at Cooper Standard." Cooper has sufficient proprietary interest in this application.

A statement signed by Joseph Zakrzewski of Cooper, is attached as Exhibit K. Mr. Woessner reported to Mr. Zakrzewski while employed at Cooper. Mr. Zakrzewski is familiar with the invention. Mr. Zakrzewski has firsthand knowledge of the invention and states that the invention was made in the course of Mr. Woessner's normal duties while employed at Cooper. As the invention was made in the normal course of Mr. Woessner's duties while

employed at Cooper, and Cooper therefore has sufficient proprietary interest in this application.

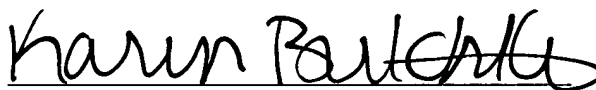
A statement signed by Christopher Kargula, Engineering Services Manager of Cooper Standard Automotive, is attached as Exhibit L. Mr. Kargula has been corresponding with Mrs. Woessner regarding the invention and the patent application. Mrs. Woessner indicated to Mr. Kargula that she was not comfortable signing the declaration forwarded by Mr. Kargula.

The inventor is deceased and is therefore no longer employed by the assignee of this application. The assignee needs to complete the filing of this application to protect its interests. A declaration executed by Karin H. Butchko is also included with this petition. Karin H. Butchko is authorized to sign on behalf of the 37 CFR 1.47(b) Applicant, Cooper Standard Automotive Inc.

For the reasons set forth above, assignee submits that the filing of this application under Rule 37 CFR 1.47(b) is proper. Applicant asks that processing of this application now proceed.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

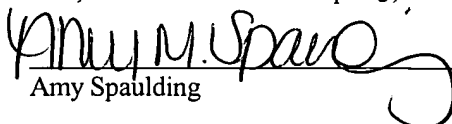


Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: April 8, 2005

CERTIFICATE OF MAILING

I hereby certify that this Petition and accompanying documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 8, 2004



Amy Spaulding



NC10 Rec'd PCT/PTO 12 APR 2005

60158-272
97US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Woessner Group Art Unit: Unknown
Serial Number: 10/501,591 Examiner: Unknown
Filed: July 14, 2004
Title: HOSE IN TUBE FORMING ASSEMBLY AND PROCESS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

Mail Stop-Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated February 9, 2005, applicant is submitting herewith the Petition Under Rule 37 CFR 1.47 (b) as a substitute for the required Declaration under 37 CFR 1.63.

Also enclosed herewith is a copy of the Notification of Missing Requirements Under 35 U.S.C. 371 as requested.

No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

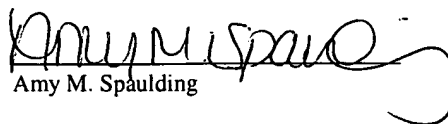
Carlson, Gaskey & Olds, P.C.

Karin H. Butchko
Registration No. 45,864
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: April 8, 2005

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 8, 2005.


Amy M. Spaulding

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

12 APR 2005

Applicant: Woessner
Serial No.: 10/501,591
Filed: July 14, 2004
Group Art Unit: Unknown
Examiner: Unknown
Title: HOSE IN TUBE FORMING ASSEMBLY AND PROCESS

STATEMENT OF LAST KNOWN ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

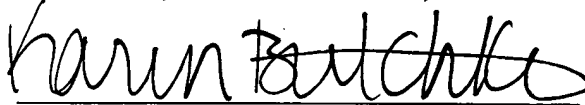
The inventor David Woessner is deceased. His wife Catherine Woessner is his legal representative. The last known address of the refusing legal representative of David Woessner is:

5641 Spencer Road
Mount Sterling, KY
40353, United States

To the best of my knowledge and information, I believe this was the last known address for Mrs. Woessner.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

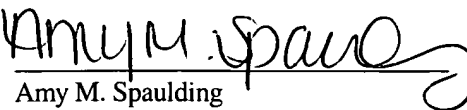


Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: April 8, 2005

CERTIFICATE OF MAILING

I hereby certify that this Statement and accompanying documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 8, 2005.



Amy M. Spaulding

10 Dec'd PCT/110 12 APR 2005

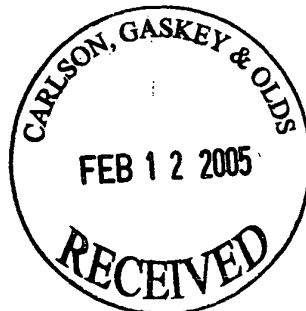


UNITED STATES PATENT AND TRADEMARK OFFICE

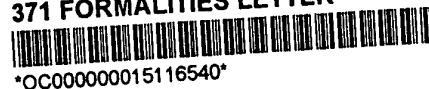
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/501,591	FIRST NAMED APPLICANT Woessner Etal	ATTY. DOCKET NO. 60158-272
INTERNATIONAL APPLICATION NO. PCT/US03/00977		
LA. FILING DATE 01/14/2003	PRIORITY DATE 01/15/2002	

Karin H Butchko
 Carlson Gaskey & Olds
 400 W Maple
 Suite 350
 Birmingham, MI 48009



CONFIRMATION NO. 2653
 371 FORMALITIES LETTER



OC000000015116540

Date Mailed: 02/09/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/14/2004
- Copy of the International Search Report filed on 07/14/2004
- Preliminary Amendments filed on 07/14/2004
- Information Disclosure Statements filed on 07/14/2004
- U.S. Basic National Fees filed on 07/14/2004
- Priority Documents filed on 07/14/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,591	PCT/US03/00977	60158-272

FORM PCT/DO/EO/905 (371 Formalities Notice)



10 Rec'd PCT/PTC 12 APR 2005

207 South West Street
Auburn, IN 46706

Tel: (219) 927-0700
Fax: (219) 925-9592

Invention Disclosure / Record of Invention

Patent Department Case Number:

1. Inventors

Name:	Home Street Address:
Dave Woessner	5641 Spencer Rd. Mt. Sterling KY 40353

2. Title of Invention

Hose In Tube Forming Tooling and Process

3. Purpose of Invention

To create an alternative method for curing (forming) a polymer based material to a specified shape. The standard process involves an internal, supportive, pre shaped mandrel. This method utilises a pre shaped, supportive external tube to set to the desired shape.



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Auburn, IN 46706

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4. Conception Date

Date:	
Recorded: (when, where, how)	In the morning while at his desk at Cooper Standard Mt. Sterling / based on new job loose tooling problem. Thought that this method would be a better way to prevent tooling from becoming loose.

5. First Drawing Date (if any)

Date:	
Made: (when, where, how)	Cooper Standard Mt. Sterling, paper / pencil / by hand
Present Location of Drawing (submit copy)	On file with Dave Woessner

6. First Written Description (other than this disclosure)

Date:	
Type of Description (lab, notebook, memo, etc.)	Loose paper pencil drawing / description
Present Location of Description (include lab notebook numbers)	File of Dave Woessner / no number associated

7. Date of First Disclosure (oral or written)

Date:	
To Whom Disclosed:	Home Street Address:
Chuck Bashford	4675 Donaldson Road Mt. Sterling, KY 40353

8. First Test of Product, Process or Equipment



207 South West Street
Auburn, IN 46706

Tel: (219) 927-0700
Fax: (219) 925-9592

Give dates and location of records of any laboratory or plant scale work which has been done to prove operativeness and submit photographs, photocopies, and other documentation.

8.15.2001 Lab Database on computer server.
8.15.2001 Trials in extrusion area with vacuum apparatus. Photos attached.

Name and Witness to Above:	Home Street Address:
Jerry Bunch	120 Devonne Drive Mt. Sterling, KY 40353

9. Production Status

Has the invention gone into production, use, or sale? If a Purchase Order has been issued or contract signed, please identify the earliest date.

-None-

If no production, use, or sale, what are the present prospects (the Patent Department must be advised immediately when commercialization has been scheduled).



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Auburn, IN 46706

Tel: (219) 927-0700
Fax: (219) 925-9592

The invention is a new method for curing a hose into a specified shape. The old method required a hose pre-form to be manually slid over a lubricated metal mandrel bent to the desired shape. The mandrel supported and kept the hose in the desired shape from the inside as it was cured. The mandrel method is very difficult ergonomically and has been attributed to stress and strain injuries to the mandrel operators. The new method uses a pre shaped tube to hold and support the hose in the desired shape while it is being cured. The method of loading the hoses into the tube is by inserting the hose preform at one end of the tube, while at the opposite end a vacuum is applied to draw the pre-form through the entire length of the shaped tube. Vacuum is not required for this method to work. The parts can be inserted manually. Both the vacuum assist and manual methods benefit the operator in ease of loading and will reduce the injuries associated with the curing process.

Apparatus operation: Refer to drawing (1). Place uncured hose (A) at mouth of tube (B) insert into tube (C) until preform is fully inserted into tube. If Vacuum (E) attachment is used it is applied from end of tube (D) opposite from the load end (B). The product is then set in the curing oven for the required period of time and removed by pulling the product from load end (B).

This section is blank.



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Auburn, IN 46706

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Fax: (219) 925-9592

12. Expected Scope of the Invention

State the range and preferred values or all variables such as temperature, time, pressure, materials, weight, size, width, height, thickness, density, etc.

Not Known at this time, still in development stage.

13. Utility of the Invention

State How, Where, and to What Extent this invention can be usefully applied.

In the cure of any polymeric material that is shaped or unshaped that takes a heat set of any length and dimension. Possible products are, seals and gaskets (solid, hollow, including dense and sponge), Hoses (reinforced and non reinforced), Fuel lines, Synthetic brake lines.

14. Novel Features of Invention

State distinction between this invention and the known prior art.

-No known prior art for this method.-

15. Non-Obviousness of Invention



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Auburn, IN 46706

Tel: (219) 927-0700

Fax: (219) 925-9592

State How and to What Extent Novel Features are an advantage and are non-obvious to others skilled in the art.

Uses tube out side of the product instead of support inside of product.

-Less effort to load and unload parts.

-Less space is required, because it eliminates the need for space considerations around the parts for the operator's hands to pull the part the entire length of the mandrel to get it shaped.

-Can use vacuum assist to load / unload parts.

-Can use pressure assist to unload parts.

16. Further Exploratory or Development Work Needed

Method of cure (heat application): Fluidised bed, Conveyor, hot air, electric wrap, microwave, submersion in hot liquid (oils, salts, water).

Different tube materials: high temperature plastics, glass (Pyrex), metals, ceramics.

Different polymeric materials to cure: Different rubber and plastic types.

17. Competitive Considerations

How can we prevent our competitors from circumventing this invention?

-Not known at this point.-



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Auburn, IN 46706

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Fax: (219) 925-9592

18.IMPORTANT!: Signatures of Inventors and Witnesses

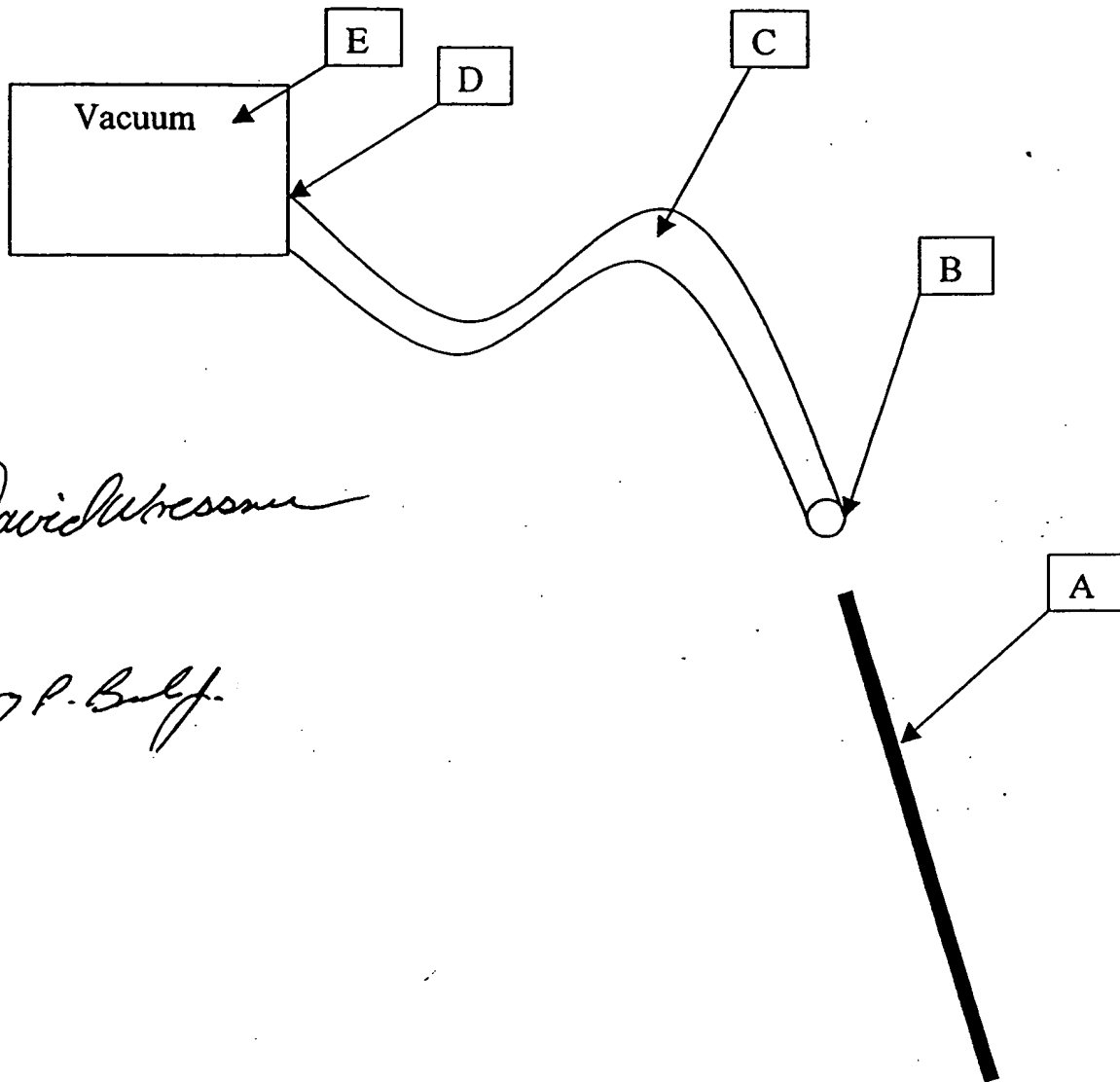
Witnesses should understand the technical subject matter of the invention.

A Inventor:	<i>David Weasner</i>	Date:	
Witness:		Home Street Address:	
Jerry Bunch	<i>Jerry Bunch</i>	120 Devonne Drive Mt. Sterling, KY. 40353	
Witness:		Home Street Address:	
Ken Haynes	<i>Ken Haynes</i>	332 Missionary Lane Mt. Sterling, KY. 40353-1702	

B Inventor:		Date:	
Witness:		Home Street Address:	
Witness:		Home Street Address:	

C Inventor:		Date:	
Witness:		Home Street Address:	
Witness:		Home Street Address:	

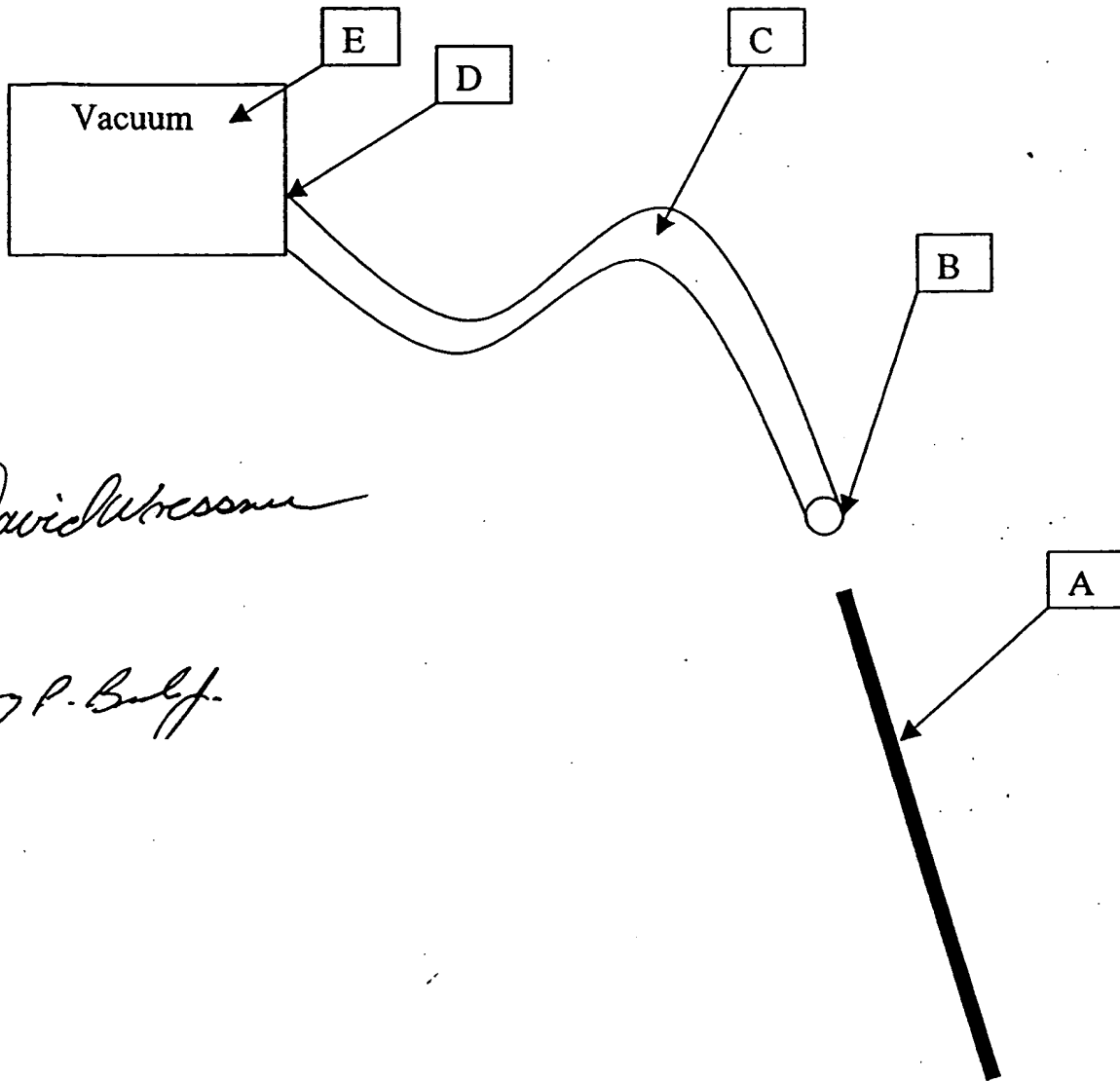
Drawing 1



David Whessome

Jon P. Bulf

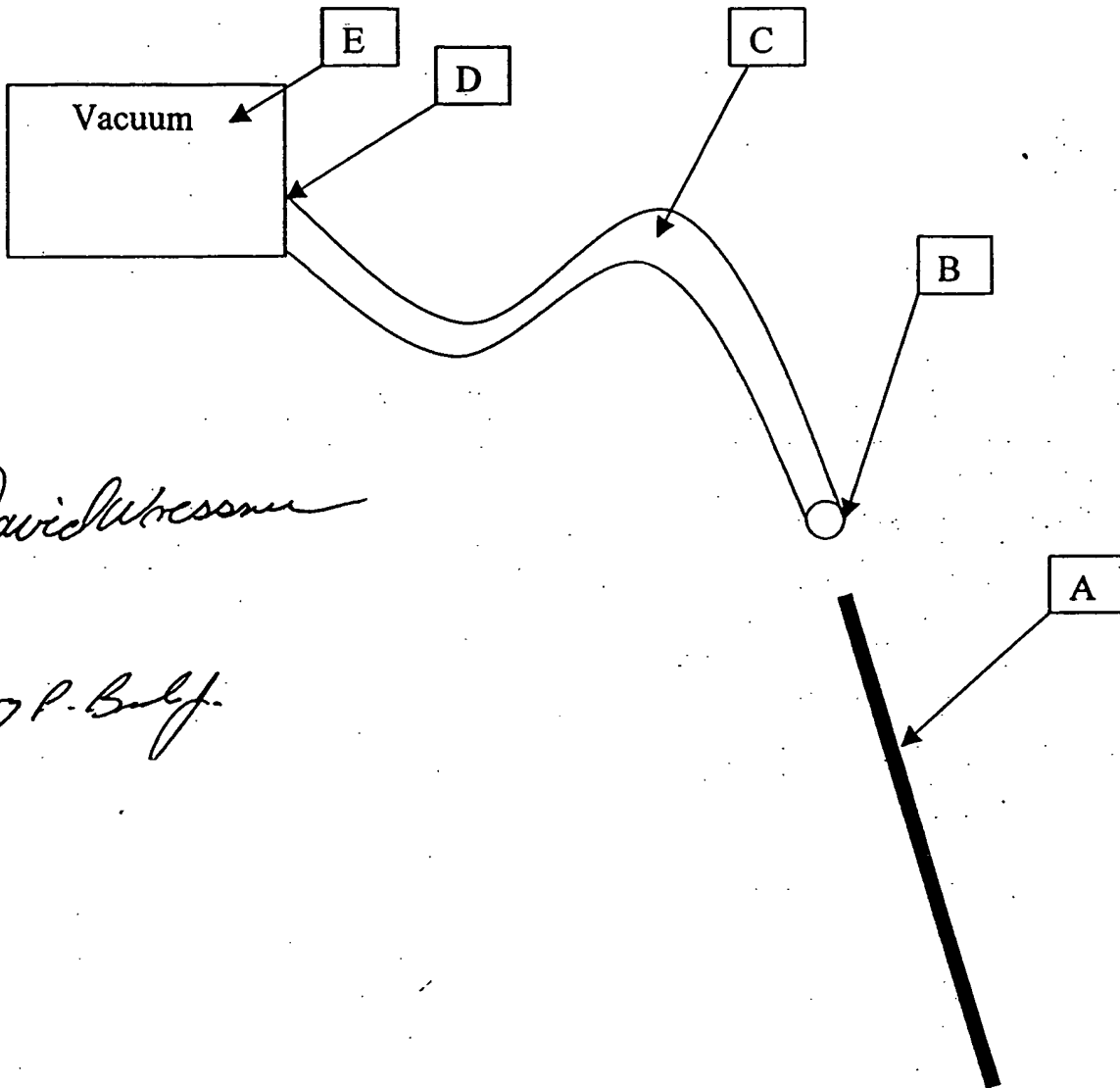
Drawing 1



David M. Hesse

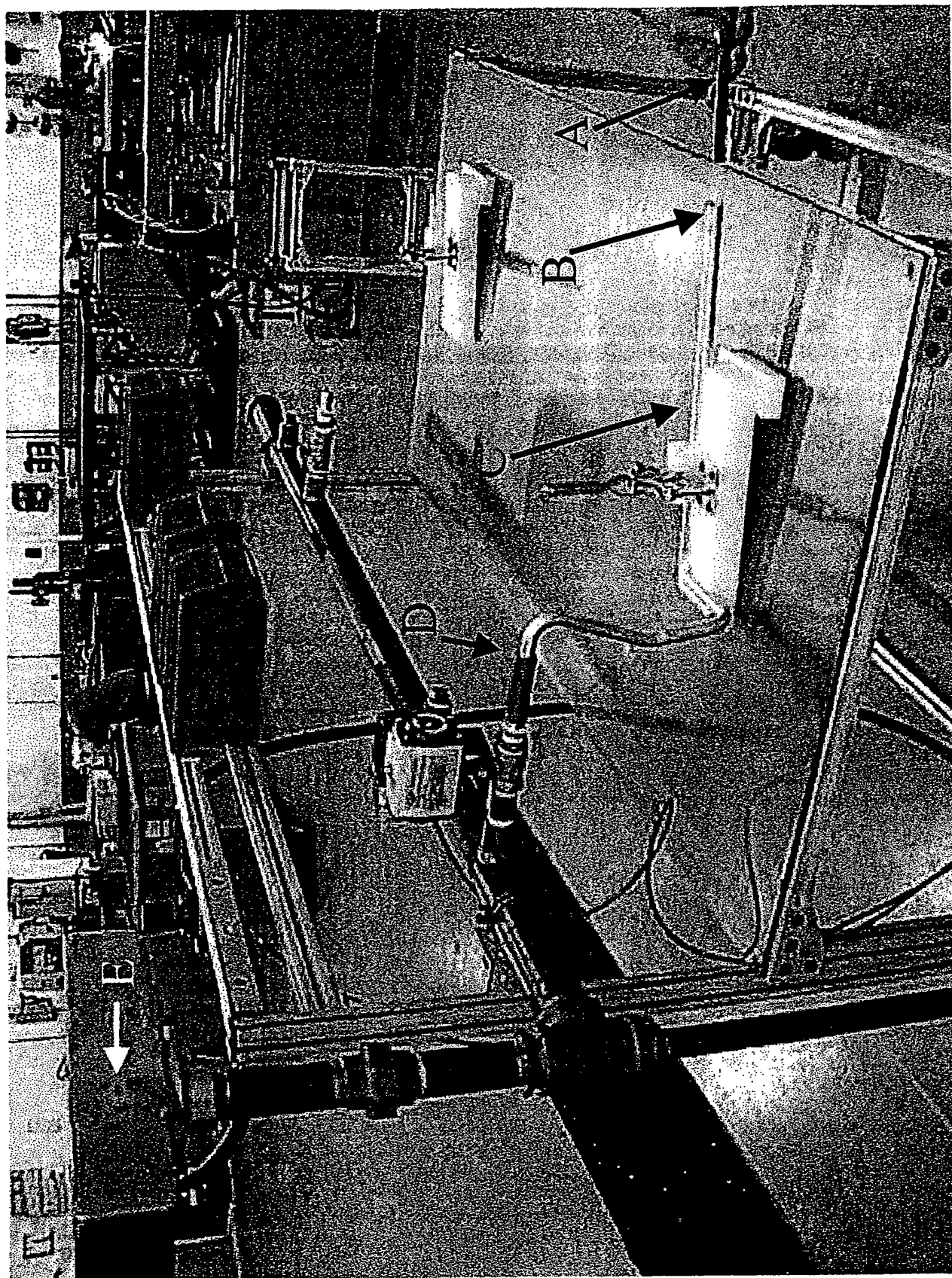
for P. Bully

Drawing 1



David M. Bessner

James P. Belf



Spaulding, Amy

From: Spaulding, Amy
Sent: Monday, July 12, 2004 11:24 AM
To: 'DPWoessner@cooperstandard.com'
Cc: 'CKargula@cooperstandard.com'
Subject: Hose in Tube Forming Assembly and Process

Importance: High

Attached please find a copy of the published PCT patent application, assignment and declaration for your tube in hose forming invention. We originally sent this to your attention May 26, 2004 and July 6, 2004 with no response, this is due July 15, 2004. We are now filing the patent application in the United States. Please sign and date the assignment and declaration and return them to us as soon as possible for filing with the United States Patent and Trademark Office. Thank you.

Regards,

Amy M. Spaulding
Carlson, Gaskey & Olds, P.C.
400 W. Maple Rd.
Suite 350
Birmingham, MI 48009
Direct Line: 248-283-0722
Main Line: 248-988-8360
Fax Line: 248-988-8363
aspaulding@cgolaw.com

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WO



Assignment.doc



Declaration

159601.pdf (524 KB) (36 KB) Utility) PTO-SB-0

Spaulding, Amy

From: Spaulding, Amy
Sent: Tuesday, July 06, 2004 9:00 AM
To: 'DPWoessner@cooperstandard.com'
Cc: 'CKargula@cooperstandard.com'
Subject: Hose in Tube Forming Assembly and Process

Dear Dave,
Dear Dave,

Attached please find a copy of the published PCT patent application, assignment and declaration for your tube in hose forming invention. We originally sent this to your attention May 26, 2004 with no response, this is due July 15, 2004. We are now filing the patent application in the United States. Please sign and date the assignment and declaration and return them to us as soon as possible for filing with the United States Patent and Trademark Office. Thank you.

Regards,

Amy M. Spaulding
Carlson, Gaskey & Olds, P.C.
400 W. Maple Rd.
Suite 350
Birmingham, MI 48009
Direct Line: 248-283-0722
Main Line: 248-988-8360
Fax Line: 248-988-8363
aspaulding@cgolaw.com

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WO



Assignment.doc



Declaration

159601.pdf (524 KB)

(39 KB)

Utility PTO-SB-0

Spaulding, Amy

From: Spaulding, Amy
Sent: Wednesday, May 26, 2004 1:36 PM
To: 'DPWoessner@cooperstandard.com'
Cc: 'CKargula@cooperstandard.com'
Subject: Hose in Tube Forming Assembly and Process

Dear Dave,

Attached please find a copy of the published PCT patent application, assignment and declaration for your tube in hose forming invention. We are now filing the patent application in the United States. Please sign and date the assignment and declaration and return them to us as soon as possible for filing with the United States Patent and Trademark Office. Thank you.

Regards,

Amy M. Spaulding
Carlson, Gaskey & Olds, P.C.
400 W. Maple Rd.
Suite 350
Birmingham, MI 48009
Direct Line: 248-283-0722
Main Line: 248-988-8360
Fax Line: 248-988-8363
aspaulding@cgolaw.com

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WO Assignment.doc Declaration
059601.pdf (521 KB) (36 KB) Utility) PTO-SB-0

Butchko, Karin H.

From: Catherine Woessner [Catherine_LouiseMary@msn.com]
Sent: Wednesday, March 16, 2005 7:39 PM
To: Butchko, Karin H.
Subject: Re: David Woessner

Karin Butchko,

The person is me and I am not sure how the company can use this when Dave did not sign off on it. I want a copy of his writing and I think I will get ahold of a lawyer because I do know Dave was holding out for money to be put in a plan for his retirement or in case of his death. Also I do not know who you are because he never made mention of you so you will have to do better than telling me you worked with my husband on his invention. Just in case you don't believe my husband has died you can get ahold of Ken Haynes. I know Dave had talked to him about this.
Catherine Woessner

----- Original Message -----

From: Karin Butchko
To: catherine_louisemary@msn.com
Cc: Spaulding, Amy
Sent: Tuesday, March 15, 2005 5:57 PM
Subject: FW: David Woessner

Mrs. Woessner,
I am very sorry to hear about your husband.

I worked with David a few years ago on the tube in hose patent application when he was working for Cooper Standard Automotive, and he approved the application for filing. Several months ago, we filed in the patent application in the United States. At this time, we sent him two documents to sign. One document is a declaration, and the other document is an assignment. Basically, the declaration states that the inventor approves the application. This is a document that is filed with all patent applications. The assignment assigns the rights to the patent application to Cooper Standard Automotive, his employer at the time he invented the process. We did not receive the signed documents back from David.

The executor or administrator of David's estate can sign the declaration in place of David. Could you please provide me with the name and address of this person? I can then prepare a new declaration. We need to file a declaration to proceed with the patent application process. I appreciate your assistance. If you have any questions, please do not hesitate to contact me. Thank you.

Karin Butchko
Carlson, Gaskey & Olds, P.C.
400 W. Maple Road, Suite 350
Birmingham, MI 48009
248-988-8360

From: Spaulding, Amy
Sent: Tuesday, March 15, 2005 8:23 AM
To: Butchko, Karin H.
Subject: FW: David Woessner

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Monday, March 14, 2005 6:58 PM

To: Spaulding, Amy
Subject: David Woessner

Dear Miss Spaulding,

My name is Catherine Woessner and my husband invented the tube in hose forming in Mount Sterling Ky. I was going throw his things and come across papers he was to sign and return and I still have it. Now if he did sign the paper then I need a copy to compare it to his writing. I need to here from you on this because if he did not do this then I need to get a lawyer.

Expecting to hear from you,

Sincerely,

Catherine Woessner

PS. My husband died on Dec.29th,2004

10 Rec'd PCT/PTC 12 APR 2005

Butchko, Karin H.

From: Spaulding, Amy
Sent: Tuesday, March 15, 2005 8:23 AM
To: Butchko, Karin H.
Subject: FW: David Woessner

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Monday, March 14, 2005 6:58 PM
To: Spaulding, Amy
Subject: David Woessner

Dear Miss Spaulding,

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Expecting to hear from you,

Sincerely,

Catherine Woessner

PS. My husband died on Dec.29th,2004

Spaulding, Amy

From: Butchko, Karin H.
Sent: Tuesday, March 15, 2005 5:57 PM
To: catherine_louisemary@msn.com
Cc: Spaulding, Amy
Subject: FW: David Woessner

Mrs. Woessner,
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Karin Butchko
Carlson, Gaskey & Olds, P.C.
400 W. Maple Road, Suite 350
Birmingham, MI 48009
248-988-8360

From: Spaulding, Amy
Sent: Tuesday, March 15, 2005 8:23 AM
To: Butchko, Karin H.
Subject: FW: David Woessner

From: Catherine Woessner [<mailto:Catherine.LouiseMary@msn.com>]
Sent: Monday, March 14, 2005 6:58 PM
To: Spaulding, Amy
Subject: David Woessner

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this because if he did not do this then he need to get a lawyer.

Expecting to hear from you,

Sincerely,

Catherine Woessner

PS. My husband died on Dec.29th,2004

10 Rec'd PCT/PTC 12 APR 2005

Butchko, Karin H.

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Cc: Butchko, Karin H.; Stapleton, Sam L
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The Cooper Standard Automotive protection process for this application has been:

October 24, 2001, Disclosure written (attached)

October 30, 2001, Disclosure documented

January 15, 2002, Provisional US Application filed (good for 12 months)

January 14, 2003, Patent Cooperation Treaty (PCT) filed based on provisional (good for 18 months)

[http://www.wipo.int/ipdl/IPDL-CIMAGES/images3.jsp?](http://www.wipo.int/ipdl/IPDL-CIMAGES/images3.jsp?WEEK=30/2003&DOC=03/059601&TYPE=A1&TIME=1112025013)

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3/29/2005

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10 Rec'd PCT/PTO 12 APR 2005

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Sent: Thursday, March 31, 2005 2:34 PM
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Subject: RE: #97, RE: David Woessner
Attachments: Assignment.doc; DECLARATION BY PERSONAL REPRESENTATIVE.doc; Declaration (Utility) PTO-SB-01 (exp 7-31-06).pdf; csp38400.PDF

Mrs. Woessner,

I am involved as the Cooper Standard Automotive Fluid Division Intellectual Property manager since 1995, with the function of coordinating outside patent counsel to protect the company's technology. When the alternative forming process was being developed, I opened the case and directed the law firm, which Karin works for to begin filing. Normally, I do not need to get into this sort of detail.

Sam Stapleton is now involved as the Human Resource contact in the Facility Mr. Woessner, with the job function of developing new technology worked, and needs to be aware of this open issue.

Karin has forwarded the attached original Power of Attorney (csp38400.PDF), which David signed as evidence David worked with her. Also, attached are updated Declarations and Assignment, which we need you to sign. Your request "all emails as well as anything else that was said between the company as well as with her" is unreasonable for a 4 year old case.

Please forward the two assignments and one declaration signed to Karin Butchko at:

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 or

Reply with your intent not to sign.

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PS. My husband died on Dec.29th,2004

DECLARATION BY LEGAL REPRESENTATIVE
OF DECEASED INVENTOR

I, **Catherine Woessner**, currently residing at **5641 Spencer Road, Mount Sterling, KY 40353, United States**, am the surviving widow and legal representative of **David Woessner**. I have signed the enclosed Declaration for Patent Application and Power of Attorney on behalf of my late husband. My signature appears on his behalf on the Declaration.

Dated

Catherine Woessner

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

60158-272

First Named Inventor

Woessner

COMPLETE IF KNOWN

Application Number

10/501,591

Filing Date

July 14, 2004

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HOSE IN TUBE FORMING ASSEMBLY AND PROCESS

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

07/14/2004

as United States Application Number or PCT International

Application Number

10/501,591

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
PCT/US03/00977	PCT	01/14/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="checked" type="checkbox"/> Customer Number: 026096 OR <input type="checkbox"/> Correspondence address below			
Name Karin H. Butchko			
Address 400 West Maple Road, Suite 350			
City Birmingham		State MI	ZIP 48009
Country United States	Telephone (248) 988-8360	Fax (248) 988-8363	
<small>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</small>			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) David (deceased) Catherine (Legal Representative)		Family Name or Surname Woessner (deceased) Woessner (Legal Representative)	
Inventor's Signature			Date
Residence: City Mount Sterling (deceased) Mount Sterling (Legal Representative)	State KY (deceased) KY (Legal Representative)	Country US (deceased) US (Legal Representative)	Citizenship US (deceased) US (Legal Representative)
Mailing Address 5641 Spencer Road 5641 Spencer Road			
City Mount Sterling (deceased) Mount Sterling (Legal Representative)	State KY (deceased) KY (Legal Representative)	ZIP 40353 (deceased) 40353 (Legal Representative)	Country US (deceased) US (Legal Representative)
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

ASSIGNMENT
(Sole Inventor)

WHEREAS, I, **David P. Woessner (deceased)** (hereinafter referred to as Assignor), residing at **5641 Spencer Road, Mount Sterling, KY 40353** by: **Catherine Woessner (Legal Representative)** residing at **5641 Spencer Road, Mount Sterling, KY 40353** have invented new and useful improvements in:

HOSE IN TUBE FORMING ASSEMBLY AND PROCESS

which is described and claimed in the specification of which was filed on July 14, 2004, as United States Application Serial No. 10/501,591; attorney docket number 60158-272, and that this application claims priority to PCT Application No. PCT/US03/00977 filed January 14, 2003.

AND WHEREAS, **Cooper-Standard Automotive Inc.**, hereinafter referred to as Assignee), of **39550 Orchard Hill Place Drive, Novi, MI 48375** is desirous of acquiring the entire right, title and interest in and to said invention and said Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignor has assigned, sold and set over, and by these presents assigns, sells and sets over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file and prosecute foreign patent applications corresponding to said application in foreign patent offices, and the right to claim the priority date of said United States patent application and any legal equivalents thereof, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or re-issues or extensions of said Letters Patent or Patents prepared and executed by Assignor on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignor had this Assignment and sale not been made.

AND the Assignor hereby covenants and agrees that the Assignor will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignor hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to the Assignee in accordance with this Agreement.

Dated: _____

David Woessner (deceased) by:
Catherine Woessner (Legal Representative)

Please address all correspondence and telephone calls and, upon recordation, please return this document to:

**KARIN H. BUTCHKO
CARLSON, GASKEY & OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009
(248) 988-8360**

Butchko, Karin H.

From: Kargula, Chris J. [CKargula@cooperstandard.com]
Sent: Tuesday, April 05, 2005 8:10 AM
To: Butchko, Karin H.
Subject: FW: #97, RE: David Woessner

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Friday, April 01, 2005 12:07 PM
To: Kargula, Chris J.
Subject: Re: #97, RE: David Woessner

At this time I feel I am being pressured into something I do not feel is right. I feel I need more time since you refuse to give me the things I have requested. You may feel this is too much but I don't. You have not lost out on someone, I have and this company seems to forget this. My husband started this project at the house and took it to Cooper and I feel this is what is missing in this whole thing. I have been mistreated by this company since my husband has died and I am afraid that my son and anyone else that works for this company will be mistreated as well. So at this time I will need more time.

From: Kargula, Chris J.
To: Catherine Woessner
Cc: Stapleton, Sam L ; kbutchko@carlsonogaskeyoldscom
Sent: Thursday, March 31, 2005 2:34 PM
Subject: RE: #97, RE: David Woessner

Mrs. Woessner,

I am involved as the Cooper Standard Automotive Fluid Division Intellectual Property manager since 1995, with the function of coordinating outside patent counsel to protect the company's technology. When the alternative forming process was being developed, I opened the case and directed the law firm, which Karin works for to begin filing. Normally, I do not need to get into this sort of detail.

Sam Stapleton is now involved as the Human Resource contact in the Facility Mr. Woessner, with the job function of developing new technology worked, and needs to be aware of this open issue.

Karin has forwarded the attached original Power of Attorney (csp38400.PDF), which David signed as evidence David worked with her. Also, attached are updated Declarations and Assignment, which we need you to sign. Your request *"all emails as well as anything else that was said between the company as well as with her"* is unreasonable for a 4 year old case.

Please forward the two assignments and one declaration signed to Karin Butchko at:

400 West Maple Road
Suite 350
Birmingham, MI 48009

or

Reply with your intent not to sign.

Thank you, Chris Kargula

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Tuesday, March 29, 2005 7:19 AM
To: Kargula, Chris J.
Subject: Re: #97, RE: David Woessner

Since rereading Karins email that was sent and since she says she worked with Dave on this then she knows why he did not sign this. I would like all emails as well as anything else that was said between the company as well as with her. Now her emails says she worked with him over a few years so I do not see were you come into play on this as well as Sam Stapleton.

----- Original Message -----

From: Kargula, Chris J.
To: Catherine Woessner
Sent: Monday, March 28, 2005 11:13 AM
Subject: RE: #97, RE: David Woessner

Mrs. Woessner,

Reading through the e-mail string below, I understand the concern. I am sure you are dealing with much legal documentation and resolving many issues. However, let me assure you, that the inventor's signature on the Declaration and Assignment is common. In some cases the inventor will ask about incentives from the company, which typically happens at the time they complete the disclosure (attached). I don't recall David asking, but he may already have known from a previous patent seminar or communication meetings. Our incentive program awards a \$500 EEE savings bond or \$250 check (everyone has asked for the check), and a plaque once the US National has issued. There is no royalty or license paid to inventors who work for the company and have the job function of developing improved technologies for the company.

The Cooper Standard Automotive protection process for this application has been:

October 24, 2001, Disclosure written (attached)

October 30, 2001, Disclosure documented

January 15, 2002, Provisional US Application filed (good for 12 months)

January 14, 2003, Patent Cooperation Treaty (PCT) filed based on provisional (good for 18 months)

[http://www.wipo.int/ipdl/IPDL-CIMAGES/images3.jsp?](http://www.wipo.int/ipdl/IPDL-CIMAGES/images3.jsp?WEEK=30/2003&DOC=03/059601&TYPE=A1&TIME=1112025013)

[WEEK=30/2003&DOC=03/059601&TYPE=A1&TIME=1112025013](http://www.wipo.int/ipdl/IPDL-CIMAGES/images3.jsp?WEEK=30/2003&DOC=03/059601&TYPE=A1&TIME=1112025013)

July 2004, National filing in multiple countries based on provisional and PCT.

This is the stage where declarations and assignments are needed, but will not be demanded until the national offices (countries) reply, which is now.

The patent issue for the US is still approximately 1 to 3 years out, depending on how many office action arguments our outside counsel needs to have with the patent office.

I don't intend to overwhelm or confuse the matter, but felt the more information you have the more comfortable you will be.

What Karin Butchko needs is for you to sign the declaration and assignment as:

"Catherine Woessner as legal representative of the estate of David Woessner"

Cooper Standard Automotive's recourse is to submit our own declaration and assignment with evidence of refusal to sign and explanation of job function. However, this is not preferred because the outside counsel will need to prepare additional papers.

I will still issue the award above when the US patent issues.

You are of course entitled to confirm all this with your own patent attorney. Their fees range from \$125 to \$250 per hour and they shouldn't need more than a half hour to discuss the matter with you. Therefore, you might find one to provide a free initial consultation.

Please feel free to call me if you have any further questions or concerns.

Sincerely,

Chris Kargula
Engineering Manager, Intellectual Property
Cooper Standard Automotive
248-754-2210

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Wednesday, March 23, 2005 5:47 PM
To: Kargula, Chris J.
Subject: Re: #97, RE: David Woessner

I do not know how to handle this problem and I have been in contact with her

----- Original Message -----

From: Kargula, Chris J.
To: Catherine_LouiseMary@msn.com
Cc: kbutchko@carlsongaskeyoldscom ; Stapleton, Sam L
Sent: Monday, March 21, 2005 2:17 PM
Subject: #97, RE: David Woessner

Mrs. Woessner,

I am sorry for your lose.

I can confirm that Karin Butchko from Carlson, Gaskey, & Olds (CGO) law firm is a legitimate outside counsel for Cooper Standard Automotive, which handles most of our patent prosecution in North America.

Please feel free to correspond with her on Cooper's behalf for this mater.

Chris Kargula
Engineering Manager, Intellectual Property
Cooper Standard Automotive
248-754-2210

From: Butchko, Karin H. [mailto:kbutchko@cgolaw.com]
Sent: Thursday, March 17, 2005 9:44 AM
To: Kargula, Chris J.
Subject: FW: David Woessner

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Wednesday, March 16, 2005 7:39 PM
To: Butchko, Karin H.
Subject: Re: David Woessner

Karin Butchko,

The person is me and I am not sure how the company can use this when Dave did not sign off on it. I want a copy of his writing and I think I will get ahold of a lawyer because I do know Dave was holding out for money to be put in a plan for his retirement or in case of his death. Also I do not know who you are because he never made mention of you so you will have to do better than telling me you worked with my husband on his invention. Just in case you don't believe my husband has died you can get ahold of Ken Haynes. I know Dave had talked to him about this.

Catherine Woessner

----- Original Message -----

From: Karin Butchko

To: catherine_louise.mary@msn.com
Cc: Spaulding, Amy
Sent: Tuesday, March 15, 2005 5:57 PM
Subject: FW: David Woessner

Mrs. Woessner,
I am very sorry to hear about your husband.

I worked with David a few years ago on the tube in hose patent application when he was working for Cooper Standard Automotive, and he approved the application for filing. Several months ago, we filed in the patent application in the United States. At this time, we sent him two documents to sign. One document is a declaration, and the other document is an assignment. Basically, the declaration states that the inventor approves the application. This is a document that is filed with all patent applications. The assignment assigns the rights to the patent application to Cooper Standard Automotive, his employer at the time he invented the process. We did not receive the signed documents back from David.

The executor or administrator of David's estate can sign the declaration in place of David. Could you please provide me with the name and address of this person? I can then prepare a new declaration. We need to file a declaration to proceed with the patent application process. I appreciate your assistance. If you have any questions, please do not hesitate to contact me. Thank you.

Karin Butchko
Carlson, Gaskey & Olds, P.C.
400 W. Maple Road, Suite 350
Birmingham, MI 48009
248-988-8360

From: Spaulding, Amy
Sent: Tuesday, March 15, 2005 8:23 AM
To: Butchko, Karin H.
Subject: FW: David Woessner

From: Catherine Woessner [mailto:Catherine_LouiseMary@msn.com]
Sent: Monday, March 14, 2005 6:58 PM
To: Spaulding, Amy
Subject: David Woessner

Dear Miss Spaulding,

My name is Catherine Woessner and my husband invented the tube in hose forming in Mount Sterling Ky. I was going throw his things and come across papers he was to sign and return and I still have it. Now if he did sign the paper then I need a copy to compare it to his writing. I need to here from you on this because if he did not do this then I need to get a lawyer.

Expecting to hear from you,
Sincerely,

Catherine Woessner

PS. My husband died on Dec.29th,2004

AFFIDAVIT OF JOSEPH ZAKRZEWSKI

I, Joseph Zakrzewski, being warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or patent issuing thereon, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am an employee of Cooper Standard Automotive Inc. ("Cooper"). Cooper is located at 250 Oak Grove Drive, Mt. Sterling, KY 40353. My title is Manager of Product and Process Engineering in the Cooper Mount Sterling plant. In that capacity, I am responsible for product and process development. I have had this responsibility for 9 years.
2. David Woessner is the inventor of patent application serial number 10/501,591. I am familiar with the invention disclosed in patent application serial number 10/501,591.
3. As Manager of Product and Process Engineering in the Cooper, Mount Sterling plant, I supported Dave Woessner in the development of the methods and tooling required for this process, as well as the validation of this process for use in production.
4. The invention disclosed in patent application serial number 10/501,591 was made in the course of the normal duties of Mr. Woessner while he was employed at Cooper.
5. Cooper has sufficient proprietary interest in patent application serial number 10/501,591.

4/7/2005

Date



Joseph Zakrzewski

AFFIDAVIT OF CHRIS KARGULA

I, Chris Kargula, being warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or patent issuing thereon, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am an employee of Cooper Standard Automotive Inc. Cooper is located at 2650 Opdyke Road, Auburn Hills, MI 48321. My title is Engineering Services Manager. In that capacity, I am responsible for intellectual property and for communications between Research and Development and the Business Unit. I have had this responsibility for 11 years.

2. I have corresponded with Catherine Woessner, the Legal Representative of the estate of David Woessner, deceased. I have sent a copy of the declaration and Statement of Legal Representative to Mrs. Woessner for patent application serial number 10/501,591. A copy of these letters are attached as Exhibits G and I. Mrs. Woessner indicated that she has was not comfortable signing the documents.

3. To date, Cooper has not been able to obtain Mrs. Woessner's signature on the declaration or Statement of Legal Representative.

Date

07 Apr 05

Chris Kargula

Chris Kargula

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